

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1020

702-0119

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Illinois Central Railroad Company ("COMPANY"), the Benton Township ("TOWNSHIP"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as South Stuyvesant Street and Bennett Road located near Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 723W and 293 724D, mileposts 90.80-GE and 91.40-GE, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a diagnostic team including a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and other pertinent data relating to the crossings have been obtained and shown on Exhibits A-1 and A-2, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) South Stuyvesant Street: The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry.
- (b) Bennett Road: The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry.

Section 3 The Company has prepared estimates of cost and circuit plans to accomplish the proposed improvements, which it may be required to perform; said estimates and plans are attached as Exhibits B-1 and B-2.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2(a) is estimated to be \$130,330. The Grade Crossing Protection Fund shall pay 30 % of the actual cost, not to exceed \$39,099, and the Illinois Department of Transportation shall pay 70% of the actual cost, not to exceed \$91,231. The Company shall pay any additional installation costs, as well as all future maintenance and operation costs. (See Exhibit B-1)
- (b) The cost for the improvements listed in Section 2(b) is estimated to be \$127,220. The Grade Crossing Protection Fund shall pay 30 % of the actual cost, not to exceed \$38,166, and the Illinois Department of Transportation shall pay 70% of the actual cost, not to exceed \$89,054. The Company shall pay any additional installation costs, as well as all future maintenance and operation costs. (See Exhibit B-2)

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossings, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since railroad crews will perform the warning device improvements at the subject crossings, no flagging, or contractor liability insurance will be required for said work.

The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of Company employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

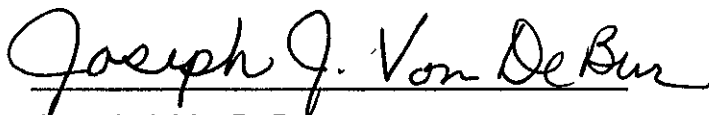
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 6th day of November, 2002.



Michael E. Stead
Rail Safety Program Administrator

Attest:

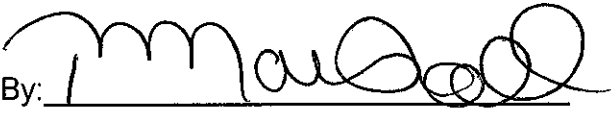


Joseph J. VonDeBur
Railroad Safety Specialist


Illinois Commerce Commission Stipulated Agreement No. 1020 concerning improvements at the South Stuyvesant Street and Bennett Road grade crossings of the Illinois Central Railroad Company tracks located near Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 723W and 293 724D, mileposts 90.80-GE and 91.40-GE, respectively;

Executed by the Company this 13th day of November 2002.

ILLINOIS CENTRAL RAILROAD
COMPANY

By: 
Vice President


Attest:


Cynthia A. Bergmann
Assistant Secretary

Illinois Commerce Commission Stipulated Agreement No. 1020 concerning improvements at the South Stuyvesant Street and Bennett Road grade crossings of the Illinois Central Railroad Company tracks located near Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 723W and 293 724D, mileposts 90.80-GE and 91.40-GE, respectively;

Executed by the Department this 25th day of November 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1020 concerning improvements at the South Stuyvesant Street and Bennett Road grade crossings of the Illinois Central Railroad Company tracks located near Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 723W and 293 724D, mileposts 90.80-GE and 91.40-GE, respectively;

Executed by Benton Township this 5th day of December 2002.

BENTON TOWNSHIP

By: Derek S. Johnson
Terry L. Ray

Attest:

Terry L. Ray

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**GENERAL INFORMATION:** See Aerial Photo, Page 3

RAILROAD	Canadian National/Illinois Central Railroad Company
USDOT#, MILEPOST	293 723W, 90.80-GE
STREET, CITY, COUNTY	South Stuyvesant Street, near Benton, Franklin County
JURISDICTION (RDWY)	
LOCATION	Urban, Residential
STREET SURFACE	18 foot, 2-lane, 2-way, oil and chip roadway in fair condition

CROSSING DATA: Also See Aerial Photo, Page 3

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	30 feet	Fair

ROADWAY DATA: See Aerial Photo, Page 3

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	400 vehicles per day, speed unposted
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Aerial Photo, Page 3

FREIGHT TRAFFIC	2 Trains Per Day @ 25 MPH, 0 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

VISIBILITY STUDY: See Aerial Photo, Page 3

Train Speed	25	MPH
Roadway Speed	30 (assumed)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	210	FEET
Along Tracks	240	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	600	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Aerial Photo, Page 3

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE* (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE* (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.6	-1.6	25	99.8	-0.8
50	99.2	-1.6	50	99.2	-2.4
100	99.2	0	100	98.5	-1.4

*Distance measured from outermost rail.

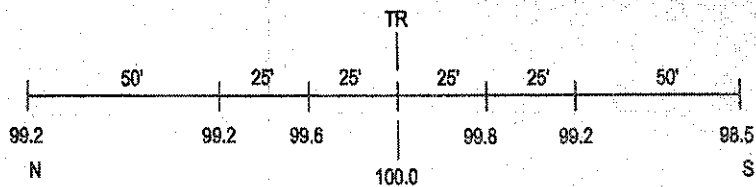
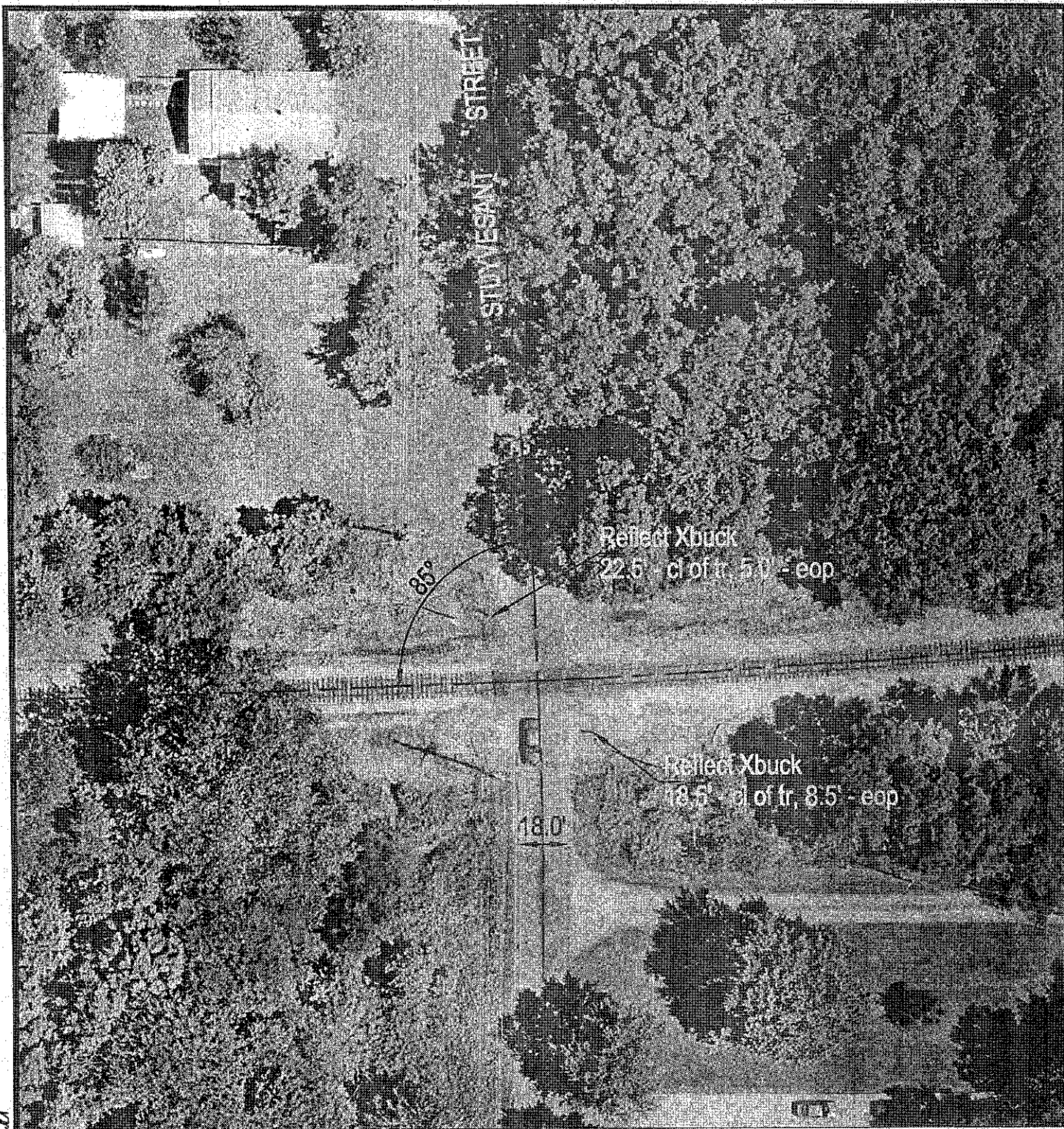
COMMENTS:

Project is IDOT, TEA-21, FY2001

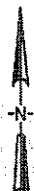
Cost Division

Illinois Department of Transportation \$84,000 (Up to 70%)

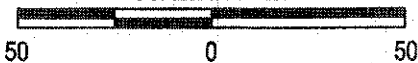
Grade Crossing Protection Fund \$36,000 (Up to 30%)



ROAD PROFILE



SCALE IN FEET



Crossing #: 293723W
 Location: Franklin Co., City of Benton (Near)
 Lat/Long: 37°59'27" / 88°54'02"
 Railroad: IC
 Street: Stuyvesant Street
 Railroad Milepost: 90.80-GE
 Crossing Protection: Sign

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Canadian National/Illinois Central Railroad Company
USDOT#, MILEPOST	293 724D, 91.40-GE
STREET, CITY, COUNTY	Bennet Road, near Benton, Franklin County
JURISDICTION (RDWY)	
LOCATION	Rural
STREET SURFACE	17 foot, 2-lane, 2-way, oil and chip roadway in fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	32 feet	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	250 vehicles per day, speed unposted
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	2 Trains Per Day @ 25 MPH, 0 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	25	MPH
Roadway Speed	30 (assumed)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	210	FEET
Along Tracks	240	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	600	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE* (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE* (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.5	-2.0	25	100.3	1.2
50	98.1	-5.6	50	100.1	-0.8
100	95.3	-5.6	100	100.1	0

*Distance measured from outermost rail.

COMMENTS:

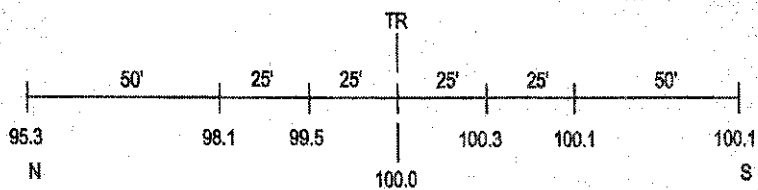
Project is IDOT, TEA-21, FY2001

Cost Division

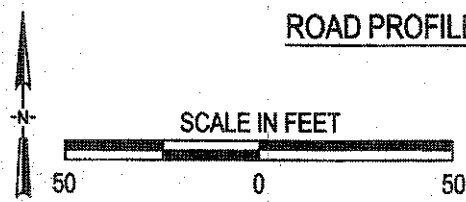
Illinois Department of Transportation	\$84,000	(Up to 70%)
Grade Crossing Protection Fund	\$36,000	(Up to 30%)



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ROAD PROFILE



Crossing #:	293724D
Location:	Franklin Co., City of Benton (Near)
Lat/Long:	37°59'15" / 88°53'28"
Railroad:	IC
Street:	Bennett Road
Railroad Milepost:	91.40-GE
Crossing Protection:	Sign

21-AUG-2002

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ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
SIGNALS AND COMMUNICATIONS

Benton, IL

Est 1056-202

Estimated cost of Signal work to install FLS & Gates at Stuyvesant Street.

Gulf Division

Val Sec IL-2

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				

INSULATED JOINT	2.	EACH @	250.00	500.00
LANDFILL	1.	L.S. @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
CROSSING MATERIAL PACKAGE				
GCP3000,80200-112-IPI	1.	EACH @	13612.00	13612.00
DATA RECORDER INTERFACE,80255	1.	EACH @	128.00	128.00
SEA/R & ANALOG DISPLAY	1.	EACH @	2055.00	2055.00
NARROW BAND SHUNT,62775-1543	2.	EACH @	408.00	816.00
BIDIR SIMULATOR,62664-348	2.	EACH @	871.00	1742.00
BATTERY CHOKE,7A360	1.	EACH @	248.00	248.00
XING CONTROLLER,91160	1.	EACH @	2296.00	2296.00
RECTIFIER,NRS18120,40A	1.	EACH @	665.00	665.00
RECTIFIER,NRS15110,20A	2.	EACH @	465.00	930.00
SURGE PROTECTION	1.	LOT @	1325.00	1325.00
EQUIPMENT RACK,23"	1.	EACH @	258.00	258.00
EQUIPMENT RACK,19"	1.	EACH @	315.00	315.00
SWING RACK	1.	EACH @	510.00	510.00
FLX-2000 & GATE ASSY,2-WAY	2.	EACH @	6950.00	13900.00
ARM,EZ GATE,16-24'	2.	EACH @	728.00	1456.00
GATEKEEPER	2.	EACH @	1986.00	3972.00
BELL,ELECTRONIC	1.	EACH @	236.00	236.00
BATTERY,GNB 265AH	19.	EACH @	186.00	3534.00
FOUNDATION,S2 4FT-6IN HI	3.	EACH @	402.00	1206.00
SHUNT ENCLOSURE,T13997	2.	EACH @	221.00	442.00
PRE-WIRED ALUM HOUSE,8x8'	1.	EACH @	16900.00	16900.00
WIRE,2c/6/T10456	500.	FEET @	0.41	205.00
CABLE,3c/6,T10458	150.	FEET @	1.94	291.00
CABLE,5c/6,T10460	100.	FEET @	1.32	132.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.79	837.00

21-AUG-2002

EXHIBIT B-1

PAGE 2

Benton, IL

Est 1056-202

5 MAN GANG	8. DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1. L.S. @	4400.00	4400.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00

SUMMARY

MATERIAL	69611.00 *
HANDLING 0.0610	4246.27
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	4675.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	4930.26
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	3000.00
EXTEND CULVERT (BY OTHERS)	1000.00
CONTINGENCIES	11846.19

TOTAL COST	130330.00

20-AUG-2002

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ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
SIGNALS AND COMMUNICATIONS

Benton, IL

Est 1056-201

Estimated cost of Signal work to install FLS & Gates at Bennett Road.

Gulf Division

Val Sec IL-2

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				

LANDFILL	1.	L.S. @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
<u>CROSSING MATERIAL PACKAGE</u>				
GCP3000ND2,80160-111-IPI	1.	EACH @	17754.00	17754.00
DATA RECORDER INTERFACE,80255	1.	EACH @	128.00	128.00
SEA/R & ANALOG DISPLAY	1.	EACH @	2055.00	2055.00
NARROW BAND SHUNT,62775-3497	2.	EACH @	337.00	674.00
PSO II TRK CKT,7A444-2140	1.	EACH @	2710.00	2710.00
RELAY,ST,500 OHM,400004	1.	EACH @	566.00	566.00
XING CONTROLLER,91160	1.	EACH @	2296.00	2296.00
RECTIFIER,NRS18120,40A	1.	EACH @	665.00	665.00
RECTIFIER,NRS15110,20A	1.	EACH @	465.00	465.00
SURGE PROTECTION	1.	LOT @	1325.00	1325.00
EQUIPMENT RACK	1.	EACH @	258.00	258.00
SWING RACK	1.	EACH @	510.00	510.00
FLX-2000 & GATE ASSY,2-WAY	2.	EACH @	6950.00	13900.00
ARM,EZ GATE,16-24'	2.	EACH @	728.00	1456.00
GATEKEEPER	2.	EACH @	1986.00	3972.00
BELL,ELECTRONIC	1.	EACH @	236.00	236.00
BATTERY,GNB 265AH	13.	EACH @	186.00	2418.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	402.00	804.00
SHUNT ENCLOSURE,T13997	2.	EACH @	221.00	442.00
PRE-WIRED ALUM HOUSE,6x6'	1.	EACH @	13000.00	13000.00
WIRE,2c/6/T10456	300.	FEET @	0.41	123.00
CABLE,3c/6,T10458	100.	FEET @	1.94	194.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.79	837.00

Benton, IL

Est 1056-201

5 MAN GANG	8. DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1. L.S. @	4400.00	4400.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00

SUMMARY

MATERIAL	67888.00 *
HANDLING 0.0610	4141.17
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	4675.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	4930.26
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	3000.00
CONTINGENCIES	11564.29

TOTAL COST	127220.00